

The Nonproliferation of Nuclear Weapons

- *Dean Rusk, Secretary of State*
- *Arthur J. Goldberg, U.S. Ambassador
to the United Nations*
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Gaining the Full Measure of the Benefits of the Atom

Address by Secretary Rusk¹

I am deeply honored to receive this award commemorating a man of unusual vision. Although he was a useful public servant in many other ways, Brien McMahon made his most enduring contributions as a pioneer statesman of the atomic age. When the awesome force of the atom brought the Second World War to an end in 1945 he was a 41-year-old lawyer serving his first term as a Senator from Connecticut. He had little scientific knowledge. But he immediately grasped the momentous implications of the atomic age and was the first Senator to outline policies and propose legislation to deal with them.

The central problem, as he saw clearly, was how to assure that this revolutionary new source of energy would be used for the betterment of man rather than for his destruction. He introduced the bill which under his persistent guidance developed into the basic law which bore his name: the Atomic Energy Act of 1946, which established our nuclear programs under civilian control.

At the same time, Senator McMahon proposed that we make available through the Security Council of the United Nations all that we knew about atomic energy on condition that other nations likewise make available all they knew about weapons of war. And he proposed that the Security Council should have the power to inspect all plants and laboratories and operations in every country in the world.

For he was among those who realized, first, that our atomic monopoly would not last long, and secondly, that any attempt to use our momentary superiority "as a club" would, as he put it, "develop those very prejudices and passions and hates which would burst into flame as soon as the war-making power became equal-

ized by other nations' application of the secret."

Therefore he urged that we follow a third course: of leading the way in "turning atomic energy to the production of higher living standards for the peoples of the world. . . ."

These sound perceptions, which he was one of the first to articulate, underlay the Acheson-Lilienthal proposals² and, in turn, the Baruch plan:³ the comprehensive plan to share atomic knowledge and, by international control of all atomic enterprises throughout the world, to assure that this knowledge would be used only for peaceful purposes. The submission of this proposal to the United Nations was a monumental act of farseeing statesmanship. After extensive study and debate and some modification, that plan won the approval of all the members of the United Nations except the Soviet bloc. Failure to adopt the Baruch plan was an appalling tragedy. Had it been accepted, there would have been no atomic arms race—and mankind today would not have to worry about the possibility of a holocaust which in a few hours could wipe out much of the civilized world and perhaps endanger the human species itself.

Steps Toward Control of Nuclear Weapons

Under four successive Presidents it has been the policy of the United States to control the use of nuclear energy for weapons purposes while promoting its use for the benefit of mankind.

In 1953 President Eisenhower proposed the formation of the International Atomic Energy Agency with the dual task of promoting peaceful nuclear programs and providing safeguards against these programs being used as stepping-stones to nuclear-weapons systems.⁴ This Agency came into being in 1957. It now has 98

¹ Made before the Fordham University Club of Washington, D.C., on May 2 (press release 89) upon receiving the Senator Brien McMahon Memorial Award for Distinguished Public Service. The Secretary also made extemporaneous remarks.

² For background, see BULLETIN of Apr. 7, 1946, p. 553.

³ For background, see *ibid.*, June 23, 1946, p. 1057.

⁴ For President Eisenhower's address before the U.N. General Assembly, see *ibid.*, Dec. 21, 1953, p. 847.

members. Although initially skeptical, the Soviet Union has become a strong supporter of the IAEA and its safeguards system.

The United States has bilateral arrangements with 30 countries for cooperation in the civil uses of atomic energy. Initially the safeguards for these were also bilateral, but this function is gradually being transferred to the International Atomic Energy Agency. Indeed, for several years the IAEA has been safeguarding several nuclear facilities in the United States. And last December President Johnson offered to place IAEA safeguards on nearly 200 of our nuclear facilities when such safeguards come into effect under the nonproliferation treaty.⁵ Only nuclear activities directly connected with our national security would be excluded. The United Kingdom has made a similar offer.

A first step toward controls on nuclear weapons was taken in the limited test ban treaty, which prohibits all nuclear tests in the atmosphere, under water, and in outer space. More than 100 countries have adhered to this treaty.

We also negotiated two treaties to prevent the spread of nuclear weapons into new environments: Antarctica and space. The Space Treaty, which was concluded last year, is especially important because it prohibits a potential arms race in space, with all the added tension and fear that could cause.

In addition, through the commendable initiative of our Latin American neighbors, a treaty has been negotiated to prevent the spread of nuclear weapons in that part of the world.

The Nonproliferation Treaty

The next step, we hope, will be the nonproliferation treaty. Early this year, after long and arduous efforts, the United States and Soviet Cochairmen of the Eighteen-Nation Disarmament Committee at Geneva submitted a complete draft treaty to prevent the further spread of nuclear weapons. This draft was forwarded by the Committee to the General Assembly of the United Nations, which is now discussing it in New York at a special session.⁶ This treaty would not only curb the spread of nuclear weapons but would also extend international safeguards for peaceful atomic facilities to many additional countries.

We regard the nonproliferation treaty as extremely important, for several related reasons:

⁵ *Ibid.*, Dec. 25, 1967, p. 862.

⁶ See p. 635.

—Already five nations are producing nuclear weapons. Many more have, or could quickly acquire, the technical capabilities for making them.

—Nuclear proliferation could add a dangerous dimension to existing disputes between nations. The decision of one country to acquire nuclear weapons could stimulate an adversary to “go nuclear” or to take hostile action to destroy in their infancy the nuclear facilities of the first country.

—Every additional nation with the capacity to make and use nuclear weapons would add greatly to the difficulty of preserving peace. We can all think of nations which, in our time, have had leaders who were reckless, if not mad. And we can think of others which have not enjoyed stable governments.

—Each additional nuclear arsenal would increase the difficulty of negotiating international agreements to control nuclear arms.

—Each additional nuclear arsenal would increase the chances of accidents or of unauthorized use.

—The spread of nuclear weapons would aggravate our difficulties in maintaining friendly relations with parties to a continuing dispute. If one party “went nuclear” we might have to decide whether to help the other party, directly or through security assurances, whether to sever economic aid to the country acquiring atomic weapons, or whether to stand aside even though the result might be a war which would be hard to contain.

—Finally, the building of nuclear arsenals by developing countries would divert major resources needed for economic growth.

So we hope most earnestly that the nonproliferation treaty will receive widespread support.

What next?

We attach very great importance to achieving an understanding with the Soviet Union to halt the strategic missile arms race. President Johnson has proposed meetings with the Soviets to discuss control of both offensive vehicles and antiballistic missiles.⁷ While expressing interest, the Soviets to date have not indicated a specific time for such a meeting. But we have not given up hope.

Among other next steps which we would favor are these:

—A cutoff on the production of fissionable materials for weapons. We have proposed such

⁷ For background, see *ibid.*, Mar. 20, 1967, p. 445.

a treaty for many years and have offered to transfer fissionable material from weapons now in existence to peaceful uses.

—A comprehensive nuclear test ban.

We must continue to work incessantly and resourcefully toward a supreme essential: the control, reduction, and eventual elimination of atomic weapons.

Progress in Peaceful Applications

Meanwhile, peaceful applications of atomic energy are expanding at accelerating speeds. In the United States alone more than 60 nuclear powerplants representing more than 50 million kilowatts of electrical energy are either built, under construction, or on order. At present, however, the United Kingdom is still the number-one nation in production of electricity by nuclear power.

Sizable nuclear power programs are underway in other countries, including Canada, France, Germany, Italy, Japan, Sweden, Switzerland, Spain, and the Soviet Union.

It has been estimated that, by the end of the century, half the electricity in the United States—and much of the electricity elsewhere—will be generated by the atom.

One of the most important future applications of nuclear energy on a world scale is likely to be in desalting water. This is already economic in some cases. I have been told that, when more advanced nuclear powerplants come into operation, it may be possible to lower the cost of desalted water to the point where it would be economic for irrigating farmlands. This might make possible the production of crops on coastal desert lands where temperatures and soil conditions are favorable but rainfall is inadequate.

The importance of peaceful nuclear explosive devices in the exploitation of hitherto untapped earth resources is still undetermined. However, the potential is great. Moreover, the vast explosive power of these devices may give man an earthmoving capability that will make possible projects beyond the scope of conventional technology.

The scientists tell us that nuclear power will play an important role in space: in operating the equipment in space capsules and perhaps someday in propelling rockets.

The scientists see an indispensable role for nuclear energy in weather forecasting and worldwide communications. They tell us of synchronous earth satellites, powered by small nuclear reactors, becoming part of a worldwide

television system that would send signals directly into homes throughout the globe. They foresee thousands of nuclear-powered sensing devices located on land and sea, together with nuclear-powered weather satellites in space, all feeding their information into computerized forecasting centers that would make accurate long-range weather predictions for any place on the globe—a service that would probably save billions of dollars each year.

They tell us nuclear energy will also probably be an invaluable source of power for transportation, scientific investigations, and many supporting activities in exploring and developing the vast resources of the oceans.

They see radiation and radioisotopes continuing to make significant contributions to alleviating hunger and suffering. Tracer studies using radioisotopes and mutations induced by radiation could lead to the development of improved strains of agricultural plants. Losses of food crops will be avoided by using radiation to eradicate pests, and many types of fresh foods will be saved from spoilage by irradiation. In medicine, a growing variety of radioisotopes are being used to study, diagnose, and treat diseases and disorders.

These applications of nuclear energy, together with many many more than I have the time or the expert knowledge to discuss, offer an almost unimaginable potential for economic progress and human well-being.

The potentialities of nuclear energy have fired the hopes of people all around the world. And I am glad to say that the United States is trying to play its full part in helping to turn these vaulting hopes into realities. In addition to agreements for cooperation with 30 countries and two international organizations, we have:

—received more than 4,500 scientists and engineers in our laboratories for visits and assignments;

—established and maintain 78 complete nuclear libraries in 60 countries;

—committed ourselves to the transfer abroad of about half a million kilograms of U-235 contained in enriched uranium.

But to gain the full measure of the benefits of the atom, the world must make certain that it will be used only for peaceful purposes. So, I accept your award with the fervent hope that the work begun by Brien McMahon at the beginning of the nuclear age will some day liberate the human race from the dread of a nuclear holocaust.

U.S. Calls for Prompt Endorsement by the U.N. General Assembly of the Draft Treaty on the Nonproliferation of Nuclear Weapons

Following is a statement by Arthur J. Goldberg, U.S. Representative to the General Assembly, made in Committee I (Political and Security) on April 26, together with the text of the draft treaty on the nonproliferation of nuclear weapons.

STATEMENT BY AMBASSADOR GOLDBERG

U.S./U.N. press release 59, Corr. 1

This is indeed an important moment in the history of the United Nations. We are now about to consider what may prove to be one of the most significant and hopeful steps toward world peace that we have ever taken together: the draft treaty on the nonproliferation of nuclear weapons.

This draft treaty has been negotiated in response to repeated and overwhelming mandates of the General Assembly. It will serve three major purposes:

First, it is designed to assure that control over nuclear weapons, with their catastrophic power of destruction, shall spread no further among the nations of the earth.

Second, it is designed to facilitate the way for all nations, particularly those in the earlier stages of economic development, to share in the peaceful blessings of nuclear energy—without arousing fear lest that energy be diverted to nuclear weapons.

And third, it is designed to establish a new and solemn treaty obligation, especially upon the nuclear-weapon powers, to press forward the search for nuclear disarmament and thereby to create a much more favorable atmosphere in which to progress toward our long-sought goal of general and complete disarmament.

This treaty will do more than any treaty of our time to push back the fearful shadow of nuclear destruction. It will brighten the hopes of all nations, great and small, for a more peaceful world.

I do not ask that these assertions be accepted

uncritically by any delegation. The United States, as a major participant in the negotiations, is convinced that the substantial new obligations which we shall assume as a party to this treaty are far outweighed by the degree to which it will serve our national security and our national interests. We fully expect that every sovereign state represented here, in deciding its own attitude, will measure the treaty by the same yardstick: its own enlightened national interest and its national security. And we expect that the draft treaty will pass the test of such a measurement, for the purposes it serves are common to the entire world—purposes of peace, with which the fundamental interests of every nation and people are deeply in harmony.

As this process of measurement and evaluation proceeds during the present debate, many points will undoubtedly be raised concerning the detailed provisions of the draft treaty, whose text is contained in the report that lies before us.¹ Other points will likewise be raised concerning the related matter of security assurances, which is also treated in the same report.

In this opening statement I shall concentrate on certain broad questions which are important to us all, and particularly important to the non-nuclear-weapon states, which make up the overwhelming majority of the nations of the world. These questions are as follows:

1. Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon states?
2. Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon states?
3. Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?
4. Will this treaty help bring nearer an end to the nuclear arms race and actual nuclear disarmament by the nuclear-weapon states, and will it help achieve general disarmament?

¹ U.N. doc. A/7072.

5. Does this treaty, in all its provisions and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and nonnuclear states?

6. Finally, will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?

In this statement I shall present in brief form the considered answers of my Government to these important questions.

All Nations Involved in Creating the Treaty

1. *Does this treaty sufficiently reflect the participation and the ideas of both nuclear-weapon and non-nuclear-weapon states?*

The answer is "Yes."

In tracing the origin of this treaty, the first point to recall is that the General Assembly itself gave us our first mandate for a nonproliferation treaty more than 6 years ago, in Resolution 1665 (XVI), proposed by Ireland and adopted unanimously on December 4, 1961.

In that same year the Assembly also endorsed the creation of a new negotiating forum for disarmament—the Eighteen-Nation Committee on Disarmament or ENDC—comprising not only the then nuclear-weapon powers and certain of their allies in NATO and the Warsaw Pact but also eight nations which are not in these alliances, which do not possess nuclear weapons, and which represent every region of the world. That representative committee, meeting in Geneva, became the main negotiating forum for disarmament measures, including the present treaty.

In 1964, after the successful conclusion of the limited nuclear test ban treaty, nonproliferation became a principal subject of discussion in the ENDC. Despite wide differences of view among the nuclear-weapon powers, the negotiators were encouraged to press on with this project by the widespread concern which a great many nonnuclear nations expressed over the danger of the further spread of nuclear weapons. That concern was manifested, for example, in the Declaration on the Denuclearization of Africa, adopted by the Summit Conference of the Organization for African Unity on July 21, 1964, which reads in part as follows:

We, African Heads of State and Government, . . .

1. Solemnly declare that we are ready to undertake, through an international agreement to be concluded under United Nations auspices, not to manufacture or control atomic weapons;

2. Appeal to all peace-loving nations to accept the same undertaking;

3. Appeal to all the nuclear Powers to respect this declaration and conform to it.

The same concern was further manifested in the Declaration by the Second Conference of Heads of State or Government of Nonaligned Countries, issued in Cairo on October 10, 1964, which reads in part as follows:

The Conference requests the Great Powers to abstain from all policies conducive to the dissemination of nuclear weapons and their by-products among those States which do not at present possess them. It underlines the great danger in the dissemination of nuclear weapons and urges all States, particularly those possessing nuclear weapons, to conclude non-dissemination agreements and to agree on measures providing for the gradual liquidation of the existing stockpiles of nuclear weapons.

Then on June 15, 1965, the same concern was voiced by the United Nations Disarmament Commission, when it recommended by a vote of 83 to 1 that the ENDC "accord special priority" to a nonproliferation treaty.

When the General Assembly met in the fall of 1965, the nonaligned eight members of the ENDC offered a resolution calling on the ENDC to meet as early as possible to negotiate a nonproliferation treaty. It also set forth five basic principles to guide the negotiations:

a. The treaty should be void of any loopholes for the direct or indirect proliferation of nuclear weapons in any form;

b. It should embody an acceptable balance of obligations of nuclear and nonnuclear powers;

c. It should be a step toward disarmament, particularly nuclear disarmament;

d. There should be acceptable and workable provisions to insure its effectiveness;

e. It should not adversely affect the right of states to join in establishing nuclear free zones.

This important General Assembly resolution—2028 (XX)—was adopted by a vote of 93 to 0. My Government voted for it,² and our representatives in Geneva have kept its principles in mind throughout these 2½ years of negotiation. We believe that the draft treaty fully embodies those principles.

Again in 1966 and 1967 the Assembly addressed itself to this subject in resolutions adopted with virtual unanimity. Most recently,

²For U.S. statements in Committee I and text of the resolution as adopted in that committee on Nov. 8, 1965, see BULLETIN of Nov. 29, 1965, p. 873.

last December 19, Resolution 2346 (XXII) reaffirmed "that it is imperative to make further efforts to conclude such a treaty at the earliest possible date." For this purpose the resolution called on the ENDC "urgently to continue its work" and to report to the Assembly not later than March 15 so that the Assembly could meet in resumed session to give further consideration to this important question.

That timetable was met. On March 14, 6 weeks ago, the ENDC submitted a full report on the negotiations regarding a draft treaty on the nonproliferation of nuclear weapons, together with the pertinent documents and records. That report lies before us in Documents A/7072 and A/7072/Add. 1, dated March 19, 1968.

The report contains the text of a complete draft treaty, jointly submitted by the United States and the Soviet Union as cochairmen of the ENDC. This treaty text incorporates a number of views and proposals made by various members of the committee. The report also includes the specific proposals made by various delegations to amend the text, as well as a list of the verbatim records setting forth the views of various delegations, indicating the extent to which they support or remain at variance with the text presented. Finally, the report includes an important related proposal on security assurances, sponsored by the ENDC's nuclear-weapon participants.

It is to consider that report that the Assembly has now resumed its 22d regular session.

Thus it is clear that from its very beginning this treaty project has corresponded to the repeated, virtually unanimous, and increasingly urgent resolutions of the General Assembly, in which the nonnuclear states are, of course, in the overwhelming majority.

It is equally significant that the nonnuclear states have played a prominent part throughout the actual negotiation of this treaty. This is particularly true of the nonaligned eight members of the ENDC, whose ideas have at many points strengthened the treaty draft and insured its proper balance of obligations and benefits. This is not to say that all of the suggestions those members made have been incorporated in the treaty text. Indeed, all participants, including the nuclear-weapon states, had to modify some of their concepts as the negotiations developed. The very important changes from the text submitted last August 24³ by the

³ For text, see *ibid.*, Sept. 11, 1967, p. 319.

United States and the Soviet Union, to the extensively revised text of January 18,⁴ and finally to the text of March 11 which is now before us, demonstrate that this is a compromise text to which all participants, nuclear and nonnuclear alike, made their contributions. In addition, many nonnuclear nations not members of the ENDC were able to make important contributions to the present text as a result of intensive consultations by the nuclear powers.

Let there be no mistake: The nonproliferation treaty, in the form in which it lies before us in this committee today, is not a creation of the United States. It is not a creation of the Soviet Union. It is not a creation of the United States and the Soviet Union. It is the creation of all nations, large and small, which share the knowledge and the determination that man can, and must, and will control these cosmic forces which he has unleashed.

Comprehensive Provisions on Security

2. *Will this treaty increase the security of both nuclear-weapon and non-nuclear-weapon states?*

The answer is "Yes."

The main provisions of the treaty bearing on this question are articles I, II, and III. The first two articles, taken together, are designed to lock the door to nuclear-weapon proliferation from both sides. To this end, article I prescribes for each nuclear-weapon party, and article II for each non-nuclear-weapon party, certain corresponding prohibitions.

First, article I forbids each nuclear-weapon party to transfer nuclear weapons, or control over them, directly or indirectly to any recipient whatsoever, whether that recipient be a party to the treaty or not. Article II locks the same door from the other side by forbidding each non-nuclear-weapon party to receive the transfer of nuclear weapons, or of control over them, directly, or indirectly from any transferor whatsoever, whether that transferor be a party to the treaty or not.

Second, article I forbids each nuclear-weapon party to assist, encourage, or induce any non-nuclear-weapon state, whether a party to the treaty or not, to manufacture or otherwise acquire nuclear weapons or control over them; and article II, conversely, forbids non-nuclear-weapon parties to manufacture or otherwise ac-

⁴ For text, see *ibid.*, Feb. 5, 1968, p. 165. (For a correction, see p. 645.)

quire these weapons or to seek or receive any assistance in doing so.

Finally, all that articles I and II forbid as regards nuclear weapons, they likewise forbid as regards other nuclear explosive devices. This provision is essential, because every nuclear explosive device contains the same nuclear components as a nuclear weapon. I shall return to this point in discussing article V.

These prohibitions are so comprehensive that, in the judgment of my Government, they fully meet the criterion established by the General Assembly in its Resolution 2028 (XX) of 1965, that "the treaty should be void of any loop-holes which might permit nuclear or non-nuclear Powers to proliferate, directly or indirectly, nuclear weapons in any form."

Having thus locked the door to nuclear-weapons proliferation from both sides, the treaty then proceeds in article III to make sure that the door will stay locked. It does this by prescribing international safeguards which have but one function; to verify the treaty obligation that nuclear material shall not be diverted to nuclear weapons. These safeguards are to be governed by agreements to be negotiated and concluded with the International Atomic Energy Agency, which already operates an extensive safeguards system covering peaceful nuclear activities in over 25 countries and is in an excellent position to adapt that system to the requirements of the treaty.

Those are the essential provisions of this treaty in regard to the security of the parties. There are other provisions which are also important to this major goal; notably, article VII, which gives explicit recognition to the concept of nuclear free zones, in which the Latin American states have given the world such an important lead in the treaty recently concluded.

My Government believes that this strict and reliable ban on the proliferation of nuclear weapons will enhance the security of nations, and especially of non-nuclear-weapon states. Let me now submit to the judgment of the members of this committee the essential reasoning by which we have reached this conclusion.

This reasoning is quite simple and, in my view, incontrovertible. He who acquires nuclear weapons does not thereby gain any lasting security, because the situation which enables him to acquire them also enables his neighbor—perhaps his unfriendly neighbor—to acquire them also. In this way all the points of friction and hostility among nations, large and small, could one after another be escalated to the nuclear level.

Thus, at enormous expense, the community of nations would purchase the most dangerous insecurity in human history.

No one knows these truths better than my country, which was the first to develop these awesome weapons. They were born in an age of global war—a tragic age on which, with the establishment of the United Nations, we hope and pray that man has turned his back forever. It is not a privilege to be a nuclear-weapon power. It is a heavy burden—one which my country has sought for 22 years to lay down in safety, by agreement with the other powers that also carry it; and as I shall show later in this statement, we believe this treaty will help us greatly to move in that direction, a direction which would be welcomed by the whole community of nations.

It would be idle to pretend that the nonproliferation treaty will in itself confer perfect security on any nation. But it will make all of us more secure than we would be in the absence of such a treaty.

If any nonnuclear power still cherishes the theory that the option of some day "going nuclear" somehow gives it additional security, I suggest that that power should consider the sobering report which our Secretary-General submitted last fall to the General Assembly on the effects of the possible use of nuclear weapons and the security and economic implications for States of the acquisition and further development of these weapons.² That report makes eloquently clear, among other things, that the spread of nuclear weapons to still more states "would lead to greater tension and greater instability in the world at large" and that these weapons require a very large and continuous technological and economic investment. And this, on behalf of my Government, I can verify with the greatest certainty. The Secretary-General's report also stated as follows:

It is hardly likely that a non-nuclear-weapon country, living in a state of hostility with a neighbour, could start to furnish itself with a nuclear arsenal without either driving its neighbour to do the same or to seek protection in some form or other, explicit or implicit, from an existing nuclear weapons Power or Powers.

Finally, I wish to refer to one other aspect of this matter: the security implications of the relation between nonnuclear and nuclear powers. The United States fully appreciates the desires of the many non-nuclear-weapon states that appropriate measures be taken to safeguard

² U.N. doc. A/6858.

their security in conjunction with their adherence to the nonproliferation treaty. This is a difficult and complicated problem. It is one to which the three nuclear-weapon participants in the ENDC have given their most earnest attention; and as a result they have proposed a solution which we believe to be of major importance. This solution takes the form of a draft resolution on security assurances,⁶ to be sponsored in the Security Council by the United States, the Soviet Union, and the United Kingdom. The text of this draft resolution can be found in the report of the ENDC which we have all received and to which I have already referred.

The matter of security assurances is too important a subject for me to discuss definitively in this statement today. I do wish to emphasize, however, that, in the view of the United States, aggression with nuclear weapons or the threat of such aggression against a nonnuclear state would create a qualitatively new situation—a situation in which the nuclear-weapon states which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. Later in the course of this debate my delegation expects to set forth in more detail the position of the United States on this highly important subject.

Promoting the Benign Use of the Atom

3. *Will this treaty promote the application of nuclear energy for peaceful purposes, especially in the developing nations?*

The answer is "Yes."

This aspect of the treaty is covered in articles IV and V, which reached their present form chiefly as a result of the efforts of several of the nonnuclear and nonaligned members of the ENDC. In addition, the safeguards provisions in article III have a most important and constructive bearing on this aspect of the treaty, as I shall show in a moment.

Perhaps the most significant provision of article IV is contained in paragraph 2, which lays a specific, positive obligation on parties to the treaty that are in a position to do so to contribute to the peaceful applications of nuclear energy, especially in the territories of the non-

nuclear-weapon parties, among which are notably the developing nations. The promotion of such peaceful applications was one of the major considerations underlying our proposal, 15 years ago, to establish the International Atomic Energy Agency.⁷ We are very glad to see this obligation embodied in this multilateral treaty. We are well aware of what its implementation can mean for the building of new industries, the lighting of cities, the manufacture of chemical fertilizers, the desalting of sea water, and many other aspects of economic development requiring large inputs of energy.

On behalf of the United States, and with the full authority of my Government, I pledge unreservedly in this open forum and before this important committee of the Assembly that, in keeping with the letter and spirit of this treaty provision, we will appropriately and equitably share our knowledge and experience, acquired at great cost, concerning all aspects of the peaceful uses of nuclear energy with the parties to the treaty, particularly the nonnuclear parties. This is not only a promise: when this treaty takes effect it will become an obligation under a treaty which, when approved by our Congress and President, will be, under our Constitution, a part of the supreme law of the land.

However, the importance of this treaty to the peaceful uses of the atom is by no means confined to article IV. Many people do not realize that there is an extremely practical reason why, when we close the door to the proliferation of nuclear weapons, we thereby also help to open wider the door to the benign use of the atom throughout the world—particularly as a source of peaceful power.

The reason for this is rooted in a basic fact of nuclear reactor technology. It has been estimated that before the end of this century nuclear power stations may be supplying as much as half of the world's fast-growing requirements for electrical energy. But these same power stations would produce as a byproduct plutonium, which can be used in nuclear weapons. And it has been further estimated that long before the end of the century—by 1985, in fact, a date close at hand—the world's peaceful nuclear power stations alone will be turning out as a byproduct enough plutonium for the production of 20 nuclear bombs every day.

Faced with this awesome prospect, we have only three choices:

⁶ For background and text, see BULLETIN of Mar. 25, 1968, p. 401.

⁷ For President Eisenhower's address before the U.N. General Assembly, see *ibid.*, Dec. 21, 1953, p. 847.

First, we could allow this production of plutonium, with its terrible potential for destruction, to grow unchecked and unsafeguarded in nuclear power stations throughout the world. This is clearly an unacceptable choice to people everywhere.

Second, we could decide that the non-nuclear-weapon states of the world, despite their fast-growing energy needs, must do without the benefits of this extremely promising energy source—nuclear power—simply because we lack an agreed means of safeguarding that power for peace. This, too, is an unacceptable choice; indeed, it is unthinkable.

Third, we can agree on safeguards that will help insure against the diversion of nuclear materials into nuclear weapons, yet will not impede the growth of peaceful nuclear power among nations that desire it for their development. On the contrary, the safeguards will create the very atmosphere of confidence that is so essential to that beneficial growth. This is precisely the course of action embodied in article III.

I have gone into this point at some length because there has been in some quarters an understandable concern lest the safeguards become an actual obstacle to peaceful nuclear development. As a matter of fact, paragraph 3 of article III directly meets this concern by stipulating that the safeguards shall not hamper peaceful development. As proof of my country's confidence in this provision, the President of the United States announced last December 2⁸ that when safeguards are applied under the treaty, the United States—above and beyond what the treaty will require of us as a nuclear-weapon power—will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States, except those with direct national security significance.

Moreover, for the reasons I have given, we believe the safeguards will prove to be a great spur to the spread of nuclear power. We look forward to the day when the International Atomic Energy Agency will not only serve as the responsible agency for safeguards under this treaty but will also, while performing that function, make a vital contribution to the sharing of peaceful nuclear technology.

Turning to article V, we come to an aspect of peaceful nuclear technology which is still in the development stage; namely, peaceful nuclear

explosions. This technique promises one day to yield valuable results in recovering oil, gas, and minerals from low-grade or otherwise inaccessible deposits in the earth and also for large-scale excavations. The problem, however, is how to make these benefits available to all parties without defeating the treaty's main purpose of nonproliferation, since there is no essential difference between the technology of peaceful nuclear explosive devices and that of nuclear weapons.

Article V solves this problem by requiring that benefits from this technology shall be made available to the non-nuclear-weapon parties without discrimination through appropriate international procedures and at the lowest possible charge, excluding any charge for the very costly process of research and development.

My country has a large and expensive research and development program in the field of peaceful nuclear explosions. Again, on behalf of my Government and with its full authority, I state categorically to this committee that the United States will share with the parties to the treaty, in conformity with article V, the benefits of this program. Insofar as the United States is concerned, when this treaty goes into effect this obligation, too, will become, under our Constitution, the supreme law of the land.

No country outside the United States, under this commitment, will be asked to pay one cent more for this service than our own nationals. Moreover, all indications are that when this technology is perfected, there will be no scarcity of explosive devices and therefore that all requests can be handled without raising problems of priority.

Let me add that, whether such services are provided through multilateral or bilateral channels, the United States intends—in order to insure compliance with articles I and II of the treaty—that they shall be provided under appropriate international observation.

This entire subject of "programs for the peaceful uses of nuclear energy" is on the agenda of the scheduled Conference of Non-Nuclear States which will convene this coming August. Last December 18 I gave in this very committee a categorical assurance that the United States would support that conference.⁹ I reaffirm that assurance in the same categorical terms.

Without prejudging any decision of that con-

⁸ *Ibid.*, Dec. 25, 1967, p. 862.

⁹ For text of Ambassador Goldberg's statement, see U.S./U.N. press release 249 dated Dec. 18.

ference, in my view it could perform a useful service, among others, by giving consideration to the question of the best means of putting articles IV and V of the treaty into effect so as to meet the needs of the non-nuclear-weapon states which are the beneficiaries of them.

Arms Control and Disarmament

4. *Will this treaty help bring nearer an end to the nuclear arms race and actual nuclear disarmament by the nuclear-weapon states, and will it help achieve general disarmament?*

Again, the answer is "Yes."

Once again, it was chiefly at the initiative of the nonnuclear states that this problem was directly addressed in the operative section of the treaty by the insertion of article VI. In that article all parties undertake "to pursue negotiations in good faith" on these further measures. This is an obligation which, obviously, falls most directly on the nuclear-weapon states.

Ideally, in a more nearly perfect world, we might have tried to include in this treaty even stronger provisions—even, perhaps, an actual agreed program—for ending the nuclear arms race and for nuclear disarmament. But it was generally realized in the ENDC that if we were to attempt to achieve agreement on all aspects of disarmament at this time, the negotiating difficulties would be insurmountable and we should end by achieving nothing.

However, this treaty text contains, in article VI, the strongest and most meaningful undertaking that could be agreed upon. Moreover, the language of this article indicates a practical order of priorities—which was seconded in the statement read on behalf of the Secretary-General—headed by "cessation of the nuclear arms race at an early date," and proceeding next to "nuclear disarmament," and finally to "general and complete disarmament under strict and effective international control" as the ultimate goal.

Let me point out that further force is imparted to article VI by the provision in article VIII for periodic review of the treaty at intervals of 5 years to determine whether the purposes of the preamble and the provisions of the treaty are being realized. My country believes that the permanent viability of this treaty will depend in large measure on our success in the further negotiations contemplated in article VI.

The commitment of article VI should go far to dispel any lingering fear that when the non-proliferation treaty is concluded, the nuclear-weapon parties to it will relax their efforts in the arms control field. On the contrary, the treaty itself requires them to intensify these efforts. The conclusion of it will do more than any other step now in prospect to brighten the atmosphere surrounding all our arms control and disarmament negotiations. Conversely, its failure would seriously discourage and complicate those negotiations, especially if the number of nuclear-weapon powers should increase still further.

Following the conclusion of this treaty, my Government will, in the spirit of article VI and also of the relevant declarations in the preamble, pursue further disarmament negotiations with redoubled zeal and hope—and with promptness. And we anticipate that the same attitude will be shown by others.

As President Johnson told Congress last February in discussing the significance of this pledge:¹⁰

No nation is more aware of the perils in the increasingly expert destructiveness of our time than the United States. I believe the Soviet Union shares this awareness.

This is why we have jointly pledged our nations to negotiate towards the cessation of the nuclear arms race.

This is why the United States urgently desires to begin discussions with the Soviet Union about the buildup of offensive and defensive missiles on both sides. . . .

Our hopes that talks will soon begin reside in our conviction that the same mutual interest reflected in earlier agreements is present here—a mutual interest in stopping the rapid accumulation and refinement of these munitions.

The obligations of the non-proliferation treaty will reinforce our will to bring an end to the nuclear arms race. The world will judge us by our performance.

Fair Balance of Obligations and Benefits

5. *Does this treaty, in all its provisions and in its historical setting, contribute to a fair balance of obligations and benefits as between the nuclear and nonnuclear states?*

The answer again is "Yes."

This question is sometimes asked in a way which seems to assume that the right of a state

¹⁰ For text of President Johnson's letter transmitting to the Congress the 7th annual report of the U.S. Arms Control and Disarmament Agency, see White House press release dated Feb. 12.

to possess and further develop nuclear weapons is something greatly to be prized and that the giving up of that right, or any part of it, is a great loss. As I have already indicated, in view of the burdensome, perilous, and almost self-defeating character of the arms race and the very tenuous security that nuclear weapons confer, this is at best a dubious premise. But for the sake of argument, let me for the moment grant it and see whether even on that basis the obligations and benefits of this treaty are in or out of balance.

The major obligation which this treaty will impose on the non-nuclear-weapon states is, of course, not to acquire nuclear weapons.

A second obligation is to accept the safeguards procedures in article III.

Against those obligations by the nonnuclear powers, the nuclear powers will assume—or have already assumed by virtue of treaties already in force—the following obligations:

1. Not to carry out test explosions of nuclear weapons in the atmosphere, in the oceans, or in outer space.
2. Not to place nuclear weapons in orbit around the earth, or on the moon or any other celestial body, or anywhere else in outer space, or in Antarctica.

Those obligations are already in force. Under the nonproliferation treaty the nuclear-weapon powers will assume several further obligations, lengthening the list as follows:

3. Not to transfer nuclear weapons, or control over them, to any recipient whatsoever. This is a most substantial restraint in both strategic and political terms and in connection with the sovereignty of the nuclear-weapon states.
4. To contribute to the peaceful nuclear development of non-nuclear-weapon states.
5. To provide peaceful nuclear explosion services at prices far below their true cost.
6. To pursue negotiations to divest themselves of large arsenals of existing and potential nuclear and other armaments.

Such is the balance of obligations. But we should also bear in mind—indeed, it cannot be emphasized too strongly—that the benefits of articles IV and V on the peaceful uses of nuclear energy, including peaceful nuclear explosive devices, will flow primarily to the non-nuclear-weapon states.

I have listed these items in order to show that

even if we were to look on the negotiation of this treaty as some sort of adversary proceeding, with no element of common interest but only a balancing of opposing interests, then the balance in this text would not necessarily or obviously be in favor of the nuclear-weapon powers. In fact, it would be to the contrary.

But that is not the way in which my country views this treaty. To be sure, the interests of all powers are not identical, and where they differ some equitable balance must indeed be found; and we believe it has been. But in a larger sense, the balance of opposing interests in this great enterprise is of quite minor importance when it is placed beside the overriding common interest of all nations in the sheer survival of the human race. Make no mistake, members of this committee: Sheer human survival is the elemental common interest that imperatively requires us all to work together to bring the nuclear arms race under control. This treaty is a great step in that vital effort. If we are to go forward toward the goal of general and complete disarmament, this step must be taken and taken now; and we can only take it together. Our common interest in doing this outbalances all other considerations.

A Call for Prompt Action

6. *Will the interests of all nations be best served by prompt action on the treaty at this resumed session of the General Assembly?*

Again my answer is "Yes"—definitely yes.

Time is not on our side. As we at the United Nations well know, this is a dangerous world, with many points of international tension and conflict. Many nations possess the technical expertise necessary to develop nuclear weapons; and in a world without treaty restraints and safeguards, they may soon be tempted to do so, notwithstanding the extraordinary drain on their resources which this effort would impose.

There is a further reason which impels us urgently to endorse this treaty at this very session. At this moment this troubled world needs, above all, to be reassured that *détente*, rather than discord, will be the prevailing atmosphere in world affairs in order that other points of conflict may be resolved by the preferred charter means of negotiated peaceful settlements. The endorsement of this treaty now will be a

major contribution to this *détente* and will improve the atmosphere for peaceful settlement of other conflicts, the resolution of which brooks no delay.

Time indeed is not on our side. Every addition to the number of nuclear-weapon powers will multiply once again the difficulties of stopping this step-by-step proliferation. The longer we wait, the more difficult our task will become—until, perhaps, a day arrives when it will have become impossible.

We must master our fate, or fate will master us.

My country is deeply convinced that this treaty will accomplish its great purposes—if we act in time.

The immediate necessity is that we should take the next step: the endorsement of the treaty by the General Assembly at this session. In this resumed session, as I said at the beginning of my statement, we stand at an historic point of decision. From this point, we survey not merely the immediate subject matter of this treaty but a much wider vista, embracing the long struggle of modern man to conquer the demon of fratricidal war among the nations of the earth. It is a point at which we cannot stand still, for events will not permit us to stand still. From this point, we must move either forward or back.

If we insist upon a perfect treaty—each member with its different ideas of perfection—then we shall be unable to move forward, for there is no perfection in this world.

If after careful deliberation we insist that the last grain of uncertainty be removed, then we shall be unable to move forward, for there is no complete certainty in this world.

We are at the moment when all of us, united by our common interest in peace and sheer human survival, must together summon the courage to take this long stride forward. We must always remember the excellent advice given by the greatest of British poets, a poet who is the property of all mankind:

There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries.

Fellow representatives, this fateful tide is at the flood now. Let us take it now while we have the opportunity. It may never recur.

TEXT OF DRAFT TREATY ¹¹

TEXT OF DRAFT TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS SUBMITTED BY THE UNITED STATES AND THE SOVIET UNION TO THE EIGHTEEN-NATION COMMITTEE ON DISARMAMENT ON MARCH 11, 1968

The States concluding this Treaty, hereinafter referred to as the "Parties to the Treaty",

Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples,

Believing that the proliferation of nuclear weapons would seriously enhance the danger of nuclear war,

In conformity with resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of wider dissemination of nuclear weapons,

Undertaking to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities,

Expressing their support for research, development and other efforts to further the application, within the framework of the International Atomic Energy Agency safeguards system, of the principle of safeguarding effectively the flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points,

Affirming the principle that the benefits of peaceful applications of nuclear technology, including any technological by-products which may be derived by nuclear-weapon States from the development of nuclear explosive devices, should be available for peaceful purposes to all Parties to the Treaty, whether nuclear-weapon or non-nuclear-weapon States,

Convinced that in furtherance of this principle, all Parties to this Treaty are entitled to participate in the fullest possible exchange of scientific information for, and to contribute alone or in cooperation with other States to, the further development of the applications of atomic energy for peaceful purposes,

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race,

Urging the cooperation of all States in the attainment of this objective,

Recalling the determination expressed by the Parties to the Partial Test Ban Treaty of 1963 in its Preamble to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end,

Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery

¹¹ Submitted to the U.N. General Assembly on Mar. 14 as annex I to the report of the Conference of the Eighteen-Nation Committee on Disarmament (U.N. doc. A/7072).

pursuant to a treaty on general and complete disarmament under strict and effective international control. Have agreed as follows:

Article I

Each nuclear-weapon State Party to this Treaty undertakes not to transfer to any recipient whatsoever nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly, or indirectly; and not in any way to assist, encourage, or induce any non-nuclear-weapon State, to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices, or control over such weapons or explosive devices.

Article II

Each non-nuclear-weapon State Party to this Treaty undertakes not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices.

Article III

1. Each non-nuclear-weapon State Party to the Treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system, for the exclusive purpose of verification of the fulfillment of its obligations assumed under this Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Procedures for the safeguards required by this Article shall be followed with respect to source or special fissionable material whether it is being produced, processed or used in any principal nuclear facility or is outside any such facility. The safeguards required by this Article shall be applied on all source or special fissionable material in all peaceful nuclear activities within the territory of such State, under its jurisdiction, or carried out under its control anywhere.

2. Each State Party to the Treaty undertakes not to provide: (a) source or special fissionable material, or (b) equipment or material especially designed or prepared for the processing, use or production of special fissionable material, to any non-nuclear-weapon State for peaceful purposes, unless the source or special fissionable material shall be subject to the safeguards required by this Article.

3. The safeguards required by this Article shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international cooperation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble.

4. Non-nuclear-weapon States Party to the Treaty shall conclude agreements with the International

Atomic Energy Agency to meet the requirements of this Article either individually or together with other States in accordance with the Statute of the International Atomic Energy Agency. Negotiation of such agreements shall commence within 180 days from the original entry into force of this Treaty. For States depositing their instruments of ratification after the 180-day period, negotiation of such agreements shall commence not later than the date of such deposit. Such agreements shall enter into force not later than eighteen months after the date of initiation of negotiations.

Article IV

1. Nothing in this Treaty shall be interpreted as affecting the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty.

2. All the Parties to the Treaty have the right to participate in the fullest possible exchange of scientific and technological information for the peaceful uses of nuclear energy. Parties to the Treaty in a position to do so shall also cooperate in contributing alone or together with other States or international organizations to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty.

Article V

Each Party to this Treaty undertakes to cooperate to insure that potential benefits from any peaceful applications of nuclear explosions will be made available through appropriate international procedures to non-nuclear-weapon States Party to this Treaty on a non-discriminatory basis and that the charge to such Parties for the explosive devices used will be as low as possible and exclude any charge for research and development. It is understood that non-nuclear-weapon States Party to this Treaty so desiring may, pursuant to a special agreement or agreements, obtain any such benefits on a bilateral basis or through an appropriate international body with adequate representation of non-nuclear-weapon States.

Article VI

Each of the Parties to this Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.

Article VII

Nothing in this Treaty affects the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories.

Article VIII

1. Any Party to this Treaty may propose amendments to this Treaty. The text of any proposed amendment shall be submitted to the Depositary Governments which shall circulate it to all Parties to the Treaty. Thereupon, if requested to do so by one-third or more of

the Parties to the Treaty, the Depositary Governments shall convene a conference, to which they shall invite all the Parties to the Treaty, to consider such an amendment.

2. Any amendment to this Treaty must be approved by a majority of the votes of all the Parties to the Treaty, including the votes of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. The amendment shall enter into force for each Party that deposits its instrument of ratification of the amendment upon the deposit of instruments of ratification by a majority of all the Parties, including the instruments of ratification of all nuclear-weapon States Party to this Treaty and all other Parties which, on the date the amendment is circulated, are members of the Board of Governors of the International Atomic Energy Agency. Thereafter, it shall enter into force for any other Party upon the deposit of its instrument of ratification of the amendment.

3. Five years after the entry into force of this Treaty, a conference of Parties to the Treaty shall be held in Geneva, Switzerland, in order to review the operation of this Treaty with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized. At intervals of five years thereafter, a majority of the Parties to the Treaty may obtain, by submitting a proposal to this effect to the Depositary Governments, the convening of further conferences with the same objective of reviewing the operation of the Treaty.

Article IX

1. This Treaty shall be open to all States for signature. Any State which does not sign the Treaty before its entry into force in accordance with paragraph 3 of this Article may accede to it at any time.

2. This treaty shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Governments of _____, which are hereby designated the Depositary Governments.

3. This Treaty shall enter into force after its ratification by all nuclear-weapon States signatory to this Treaty, and 40 other States signatory to this Treaty and the deposit of their instruments of ratification. For the purposes of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a

nuclear weapon or other nuclear explosive device prior to January 1, 1967.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Treaty, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Depositary Governments shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession, the date of the entry into force of this Treaty, and the date of receipt of any requests for convening a conference or other notices.

6. This Treaty shall be registered by the Depositary Governments pursuant to Article 102 of the Charter of the United Nations.

Article X

1. Each Party shall in exercising its national sovereignty have the right to withdraw from the Treaty if it decides that extraordinary events, related to the subject matter of this Treaty, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other Parties to the Treaty and to the United Nations Security Council three months in advance. Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

2. Twenty-five years after the entry into force of the Treaty, a Conference shall be convened to decide whether the Treaty shall continue in force indefinitely, or shall be extended for an additional fixed period or periods. This decision shall be taken by a majority of the Parties to the Treaty.

Article XI

This Treaty, the English, Russian, French, Spanish and Chinese texts of which are equally authentic, shall be deposited in the archives of the Depositary Governments. Duly certified copies of this Treaty shall be transmitted by the Depositary Governments to the Governments of the signatory and acceding States.

In witness whereof the undersigned, duly authorized, have signed this Treaty.

Done in _____ at _____ this _____ of _____.

The Nuclear Nonproliferation Treaty—A Vital Step in Bringing the Atom Under Control

by Under Secretary Katzenbach¹

Some of the major victories for peace in the postwar era have been won through international law. This evening I would like to talk about some of the most important—the victories won and the victories that remain to be won in man's efforts to use nuclear energy for peace rather than war.

It was easy for the law to play with fire. In only a few millennia lawmakers have evolved a number of ways of coping with its destructive potential while not interfering with its beneficial use. We have laws of arson to deter and punish the willful use of fire to destroy the property of others, laws of negligence to make the careless user liable for his failure to handle it with care, insurance to compensate victims of accidental destruction by fire, and the doctrine of nuisance—and more recently, antipollution laws—to help protect a user's neighbors against smoke and other harmful byproducts of fire.

But while even these laws have their limitations, they are as child's play when compared with the legal problems posed by nuclear energy. Its destructive potential must be measured not in terms of neighboring buildings, but of neighboring countries. Its economics are far more expensive. The relationship between its destructive and beneficial uses is entirely different and infinitely more complex. And we do not have millennia to work out the answers. As the Bulletin of Atomic Scientists points out rather dramatically, it is 7 minutes to midnight.

The magnitude of the problems was realized almost from the moment the late Enrico Fermi and his colleagues set off the first nuclear reaction at Chicago a quarter of a century ago. And

since the United States submitted the Baruch plan for international ownership and control of fissionable materials² to the U.N. shortly after the war, there have been numerous attempts to deal with them on an international basis. The Baruch plan soon foundered on the rocks of the cold war, and other similar efforts also aborted.

But gradually, and on a very measured basis, progress to limit the dangers of nuclear destruction and to foster peaceful development has been made. The Atoms for Peace proposal³ led to the establishment of the International Atomic Energy Agency. Shortly thereafter the six Common Market countries established EURATOM, which represented an important step in the integration of Europe.

The Antarctic Treaty, signed in 1959, specifically prohibited nuclear explosions or the disposal of radioactive wastes and permitted inspections of facilities in the continent to make sure its provisions were being carried out. The limited test ban treaty, concluded in 1963, has already dramatically reduced levels of radioactivity in the atmosphere. Last year's Outer Space Treaty prohibits, among other things, the stationing of nuclear weapons in orbit.

A treaty for the prohibition of nuclear weapons in Latin America, already signed by 21 countries, also came into being last year. On the first of this month, the United States joined the United Kingdom in signing a protocol⁴ to this treaty providing that we will respect its aims and provisions and that we will not use or

¹ Address made before the annual meeting of the American Society of International Law at Washington, D.C., on Apr. 26 (press release 84).

² For background, see BULLETIN of June 23, 1946, p. 1057.

³ For President Eisenhower's address before the U.N. General Assembly on Dec. 8, 1953, see *ibid.*, Dec. 21, 1953, p. 847.

⁴ For text, see *ibid.*, Apr. 29, 1968, p. 555.

threaten to use nuclear weapons against its parties.

The U.N. General Assembly now has before it a draft treaty which is clearly the next urgent, necessary step in bringing the atom under control: a worldwide treaty on the nonproliferation of nuclear weapons.⁵

The current draft treaty is the fruit of at least 7 years of evolution. Its ancestry can be traced directly back to a 1961 resolution sponsored by Ireland and unanimously adopted by the U.N. General Assembly.⁶ It called on all states, particularly the nuclear powers, to seek "an international agreement containing provisions under which the nuclear States would undertake to refrain from relinquishing control of nuclear weapons and from transmitting the information necessary for their manufacture to States not possessing such weapons, and provisions under which States not possessing nuclear weapons would undertake not to manufacture or otherwise acquire control of such weapons."

While these basic undertakings, with their focus entirely on nuclear weapons, are still the core of the complete draft treaty now before the General Assembly, a great deal has been added.

Lord Coke explained that the purpose of cross-examination was to "beat and bout out the truth." The treaty's elaboration of the Irish resolution, and its inclusion of a number of extremely important additional provisions, are the product of 3 years of intensive beating and boutling out the truth on a worldwide basis.

I would like to discuss in some detail three features of the proposed treaty—the provisions relating to safeguards; those dealing with peaceful uses of nuclear explosions; and those calling for further progress toward disarmament by the nuclear powers—because I believe all are extremely important. They represent a great and indispensable step forward.

International Safeguards

Effective safeguards against the spread of nuclear weapons require, first of all, that fissionable materials be kept close track of. The task is complicated by the fact that nuclear reactors used for peaceful purposes (such as the generation of electric power or the desalination of

water) produce plutonium as a byproduct, and plutonium can be used to make nuclear weapons.

Seven years ago when the Irish resolution was passed, this was not a major problem, since relatively few reactors were in operation. It is now a very large one. In this country alone, plans for 99 new nuclear power units, to generate 69 million kilowatts of electricity, have been announced to date. This is expected to increase to 150 million kilowatts by 1980. A comparable upsurge is taking place on a worldwide basis. By conservative projections, nuclear power reactors in operation worldwide by 1985—while creating electricity for millions and turning deserts into arable land—will also be producing enough plutonium to make 20 bombs a day.

With the emergence of nuclear power generation on such a dramatic scale, mandatory safeguards have become an indispensable part of a nuclear nonproliferation treaty. Only through safeguards will all parties to the treaty have confidence that it is being observed. At the same time, countries expected to renounce nuclear weapons must obviously be assured that neither their renunciation nor the concomitant safeguards would jeopardize their full opportunity to exploit the atom's peaceful uses.

I am fully satisfied that the draft treaty takes care of any worries along this line. Article III provides that safeguards must be administered "for the exclusive purpose" of verifying compliance with the treaty's provisions against nuclear weapons or other nuclear explosive devices. It requires safeguards to be so administered as to avoid hampering any nation's development of peaceful nuclear activities or international cooperation in the field.

Article IV explicitly protects "the inalienable right of all the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination." It states, also, that all parties to the treaty "in a position to do so shall also cooperate in contributing . . . to the further development of the applications of nuclear energy for peaceful purposes, especially in the territories of non-nuclear-weapon States Party to the Treaty."

While our experience indicates that "industrial espionage" is not really a problem in this field, the treaty also expresses support for research, development, and other efforts to further the application, within the IAEA system, of "the principle of safeguarding effectively the

⁵ See p. 635.

⁶ U.N. doc. A/RES/1665 (XVI).

flow of source and special fissionable materials by use of instruments and other techniques at certain strategic points." The United States is hard at work on research to implement this provision. To demonstrate that we are neither asking the non-nuclear-weapon states to accept any burdens that we are unwilling to accept for ourselves nor seeking any commercial advantages from the treaty, we have offered to subject our own facilities which are not of direct national security significance to the same safeguards. The United Kingdom has made a similar offer.

The extensive application of treaty safeguards, by relieving concerns about providing non-nuclear-weapon states with nuclear materials, equipment, and information, should give a significant push to nuclear research and industry.

For these reasons, we think this treaty can do more to advance the goals of the International Atomic Energy Agency—worldwide promotion and development of the peaceful uses of nuclear energy under safeguards—than all the years of patient, preliminary piecemeal work done in this field to date.

A nonproliferation treaty, quite obviously, cannot do much about a nuclear war that has already broken out. It is preventive law. The safeguards are designed to spot trouble at an early stage, when it is not too late to do something about it. And this capability is needed as soon as we can get it.

Nor will conclusion of the treaty complete the task. For one thing, agreements with the IAEA will have to be worked out, on a bilateral or multilateral basis.

Second, the safeguards capabilities of the IAEA will have to be expanded to meet the need. Its staff of trained inspectors will have to be increased.

Third, the safeguards system must be further perfected, through research and development on instruments and other means of checking the flow of material through types of facilities not yet covered and greater automation.

Further steps of this kind will require a high degree of international cooperation, ingenuity, patience, and dedication to the goal. If accomplished, the result would strengthen international institutions and international law, improve collaboration among the nations, and bring about a safer world.

Peaceful Uses of Nuclear Explosions

The second aspect of the treaty I want to take up is the way it deals with the peaceful uses of nuclear explosions.

Despite the big bang out in Nevada today, the peaceful application of nuclear explosives is still in a relatively experimental stage. Its technical and economic feasibility has not yet been fully demonstrated, its collateral effects are not completely known, and it is too early to judge whether it will achieve broad political acceptability.

Several things are clear, however. One is that even an optimistic assessment of its potential uses would not justify the enormous expenditure of time, money, and scientific and technical talent required to develop nuclear devices for this purpose alone.

A second inescapable fact—brought to light during the development of the draft treaty—was that a treaty against the proliferation of nuclear weapons would be unsatisfactory if it did not cover *all* nuclear explosive devices, including those intended for peaceful uses. This is because there is not now, and we cannot conceive that there ever will be, any type of peaceful nuclear device which would be incapable of being used for destructive purposes.

Faced with these facts, the treaty negotiators evolved what we believe is a fair, sensible, and workable approach to the problem of peaceful nuclear explosions. They coupled nuclear weapons with other nuclear explosive devices in the treaty's basic provisions. At the same time, recognizing both the economic absurdity of a country's developing nuclear explosives solely for peaceful purposes and the inequity of giving any commercial advantage to nuclear-weapon states, they inserted an article requiring all parties to cooperate in insuring that potential benefits be made available on a nondiscriminatory basis to non-nuclear-weapon parties.

The treaty makes clear that the charge for the explosive devices used will be as low as possible and exclude any charge for research and development. Services are made available through an appropriate international body with adequate representation of non-nuclear-weapon states. It does not, however, rule out bilateral arrangements for such services so long as there is no resulting discrimination. Thus it avoids premature decisions on just how this future

technology will be regulated, while assuring non-nuclear-weapon states who are party to it that they will not be discriminated against if and when it proves technically and economically feasible.

It did not at first seem appropriate to include a treaty obligation requiring nuclear-weapon parties to furnish explosive services to non-nuclear-weapon parties. During the course of the negotiations, however, some countries, notably Brazil, argued that the treaty must not deprive them of the full benefits of the application of nuclear explosives for peaceful purposes. Article V was added to explicitly recognize that such benefits would not be denied to non-nuclear-weapon parties. We believe the article makes the treaty both equitable and widely acceptable.

In this field, too, the treaty will constitute a major step forward. But it is a step which will have to be promptly followed up by further action.

We are already giving the most serious thought to what will be needed to implement the treaty's provisions on this subject. These provisions deal only with the actual nuclear services. The explosive device would at all times remain in the custody of the country supplying it and handling its detonation. Choice of the construction or engineering organization to perform any other aspect of the work for the project involved would not be affected, however. Such other aspects are expected to account for a much larger portion of the total cost of these projects than the nuclear services themselves.

Within this framework, we are considering what sort of international procedures will be needed. Clearly, they must include the application of appropriate health and safety standards. They must also provide assurance that the explosion is in fact being carried out for genuinely peaceful purposes. And they must insure that all non-nuclear-weapon states party to the treaty have an equal opportunity to obtain such services, without discrimination. They must provide for the consent of the government on whose territory the explosion will take place. Appropriate provisions will also have to be made to cover liability for accidental or other consequential damages. It may even be desirable to establish in advance how the project is to be financed to completion.

There will also naturally be differences in how soon various applications will prove eco-

nomically and technically feasible. For example, there will undoubtedly be differences in the handling of fully contained underground explosions (such as those associated with the extraction of gas and oil reserves) and nuclear excavations, which involve breaking the surface of the ground. The former may be freely conducted under the limited test ban treaty, while the latter must be conducted within its constraints; that is, in a manner that does not cause radioactive debris to be cast outside the country where the explosions take place. Certain excavation applications may even require an appropriate amendment to that treaty. Such an amendment was anticipated and was one of the reasons for that treaty's liberal amendment provisions.

These problems, though complex, are clearly solvable. By starting now, we shall be able to work out satisfactory solutions by the time full-scale peaceful applications of nuclear explosions become technically and economically feasible. Some of these matters may also require new domestic legislation. Others will require international negotiations. The first important step, however, is conclusion of the nonproliferation treaty.

Progress Toward Disarmament

I turn now to the third aspect of the nonproliferation treaty: further progress toward disarmament. During the course of the negotiations the non-nuclear-weapon states, expressing the view that they are more seriously constrained by this treaty than the nuclear powers, have demanded assurances that the latter would get on with the business of disarmament.

The nonproliferation treaty must, however, be viewed in the entire context of postwar disarmament proposals. The large majority of these, including the limited test ban treaty, place greater restraints on the nuclear-weapon states than on others. We are persuaded, nonetheless, that the durability of any nonproliferation treaty will depend upon further progress toward disarmament.

The draft treaty now before the General Assembly reflects this conviction as far as we believe possible without hopelessly complicating the treaty.

The treaty's preambular paragraphs include a declaration of intention by the signers to

achieve a cessation of the nuclear arms race at the earliest possible moment. They recall the determination expressed by the signers of the partial test ban treaty to achieve the permanent discontinuation of all nuclear-weapons test explosions and to continue negotiations to this end. They also express a desire to bring about an end to manufacture of nuclear weapons, to liquidate existing stockpiles, and to eliminate nuclear weapons from national arsenals via a treaty on general and complete disarmament under strict and effective international control. Article VIII provides for review conferences beginning 5 years after the treaty's entry into force, "with a view to assuring that the purposes of the Preamble and the provisions of the Treaty are being realized."

The treaty also contains an operative article on this subject. In article VI, each of the parties "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control."

The United States, for one, is ready, willing, and able to negotiate significant restrictions on the strategic arms race and other important disarmament measures. We believe that the nonproliferation treaty will serve to spur on such negotiations and to place a still greater premium on their early and successful conclusion.

It will not be easy for the law to deal with the many complexities and problems existing in the nuclear field. Political divisions continue, national rivalries go on, doubts linger, suspicions persist.

For these reasons, it would be a very grave error to insist that everything be done at once. All the outstanding problems of disarmament and nuclear energy cannot be solved in one document. A nuclear nonproliferation treaty is the logical and vital next step. It will significantly strengthen the foundation already set in place by the limited test ban and outer space treaties.

In some ways, it can be compared to the U.N. Charter; for it, too, establishes principles, obligations, and relationships as a basis for later more specific international law.

The United States fervently hopes and believes the obstacles in the way of the treaty can be overcome. The U.N. General Assembly is now meeting in New York. We intend to do everything we possibly can to achieve a treaty before its session is over.

United States, United Kingdom, and Soviet Union Propose Security Assurances Resolution

Statement by William C. Foster¹

I wish to speak today on the question of security assurances, a subject of vital interest to many countries. The statements to be made today by the cochairmen and the representative of the United Kingdom are, I believe, of historic significance, in terms of both their relationship to the nonproliferation treaty and, in the longer term, their contribution to international security and world order.

The United States fully appreciates the desire of many non-nuclear-weapon states that appropriate measures be taken to safeguard their security in conjunction with their adherence to the treaty on the nonproliferation of nuclear weapons. This is a difficult and complicated problem, and we have searched for a solution that would be practical in a world in which nations have differing interests. We have searched for a solution which would be credible, and therefore effective, in the face of unforeseen circumstances.

We have therefore examined this matter in the context of action relating to the United Nations, outside the treaty itself but in close conjunction with it. This is proper; for it is the United Nations which is responsible for the maintenance of international peace and security, and it is under its charter that each of our countries has assumed a solemn obligation to cooperate in the maintenance of peace.

Accordingly, the United States, the Soviet Union, and the United Kingdom have agreed to sponsor a resolution on security assurances for consideration by the United Nations Security Council, the organ of the United Nations bearing the primary responsibility for the maintenance of international peace and security. We

¹Made before the Conference of the 18-Nation Committee on Disarmament at Geneva on Mar. 7 (U.S./U.N. press release 34). Mr. Foster is Director of the U.S. Arms Control and Disarmament Agency and head of the U.S. delegation to the conference.

would propose that the text of the resolution appear in an annex to our draft report to the General Assembly, on which report we expect to consult the Committee shortly.

I shall now read the text of the draft resolution:

The Security Council

Noting with appreciation the desire of a large number of States to subscribe to the treaty on the non-proliferation of nuclear weapons, and thereby to undertake not to receive the transfer from any transferor whatsoever of nuclear weapons or other nuclear explosive devices or of control over such weapons or explosive devices directly, or indirectly; not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices; and not to seek or receive any assistance in the manufacture of nuclear weapons or other nuclear explosive devices,

Taking into consideration the concern of certain of these States that, in conjunction with their adherence to the treaty on the non-proliferation of nuclear weapons, appropriate measures be undertaken to safeguard their security,

Bearing in mind that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all States,

1. Recognizes that aggression with nuclear weapons or the threat of such aggression against a non-nuclear-weapon State would create a situation in which the Security Council, and above all its nuclear-weapon State permanent members, would have to act immediately in accordance with their obligations under the United Nations Charter;

2. Welcomes the intention expressed by certain States that they will provide or support immediate assistance, in accordance with the Charter, to any non-nuclear-weapon State party to the treaty on the non-proliferation of nuclear weapons that is a victim of an act or an object of a threat of aggression in which nuclear weapons are used;

3. Reaffirms in particular the inherent right, recognized under Article 51 of the Charter, of individual and collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

This Security Council resolution will lay a firm political, moral, and legal basis for assuring the security of nonnuclear countries.

In addition, Mr. Chairman, it will be noted that a key paragraph of this resolution envisages declarations of intention in support of the provision of assurances to parties to the treaty. Accordingly, the Government of the United States will make a declaration of its intention in conjunction with Security Council action on the resolution. This statement, together with declarations that will be made by other states, will give increased significance to the action of the Security Council.

In its statement the United States will take note of the desire of states adhering to the

nonproliferation treaty to have appropriate actions undertaken to safeguard their security and will affirm that any aggression accompanied by the use of nuclear weapons would endanger the peace and security of all states. The United States will declare that aggression with nuclear weapons, or the threat of such aggression, against a non-nuclear-weapon state would create a qualitatively new situation. We will declare that in this situation the nuclear-weapon states which are permanent members of the United Nations Security Council would have to act immediately through the Security Council to take the measures necessary to counter such aggression or to remove the threat of aggression in accordance with the United Nations Charter. The charter calls for taking "effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace."

The United States will declare, therefore, that any state which commits aggression accompanied by the use of nuclear weapons, or which threatens such aggression, must be aware that its actions are to be countered effectively by measures to be taken in accordance with the United Nations Charter to suppress the aggression or remove the threat of aggression.

In addition, Mr. Chairman, the Government of the United States will in its declaration affirm its intention, as a permanent member of the United Nations Security Council, to seek immediate Security Council action to provide assistance in accordance with the charter to any non-nuclear-weapon state party to the treaty on the nonproliferation of nuclear weapons that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

The United States will reaffirm in particular the inherent right recognized under article 51 of the charter of individual and collective self-defense if an armed attack, including a nuclear attack, occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

The United States will also indicate that its vote for this resolution and its statement of the way in which the United States intends to act in accordance with the Charter of the United Nations are based upon the fact that the resolution is supported by other permanent members of the Security Council who are nuclear-weapon states

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